

# ARIZONA SILVER BELT.

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GLOBE, GILA COUNTY, ARIZONA, THURSDAY, MARCH 21, 1901.

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## MINING INDUSTRY.

Resume of Important News of the Week.

### FINAL PAYMENT ON TROY MINES.

United Globe Hoist is in Place and Working. Several New Leases. Good Reports from All Directions.

#### LOCAL MINING NEWS.

L. W. Brophy has taken a lease on part of the Buckeye mine east of town.

C. E. Taylor has let a contract to sink a shaft 50 feet on his McCormack claim, about one mile east of town.

Ridley and Clevenger are working on a lease on the Vixen claim, one of the United Globe company's prospects, and are taking out shipping ore.

George Rhinehart is said to be getting out considerable rich copper ore from a claim near the Copper Hill mine, on which he has a lease, and will soon be ready to make a shipment.

W. F. Westbrook was in town this week from the head of Pinto and Mineral creeks and is more than ever pleased with the outlook in that district. He predicts a great future for the mines in that locality.

The mining men are going aggressively to work all over Gila county, the abundance of water is giving them greater facilities for operation, and many new mines and properties will be developed this year. It is anticipated here that this will be a prosperous year for old Gila.—Clifton Era.

Phil Baumgartner, who went out to the Sombbrero Butte section last week, was compelled to return on Monday night owing to the fact that a lot of provisions, tools, powder, etc., which were cached out there by his partner, J. H. Bell, had been stolen. He got a new supply and left for camp on Wednesday morning.

Perry Howie has established a mining brokers-office in El Paso, which he is fixing up in first class shape. He has written here to purchase a cabinet of ores from this district to place in his office. He would also like to have some large specimens of ore from any of the mines in this district, which he will label and place on exhibition in the office.

Finletter & Harvey have started another level on their property at Oak springs, 5 feet below the one they are now working in, and struck some stringers of glance and sulphide ores. They now have about two feet of heavy carbonate ore in the breast of their middle drift, and have another car of first class ore ready for shipment.

Mr. and Mrs. A. L. Phillips were in town the first of the week from their mining property on Powers Gulch and brought in some fine specimens of galena ore from one of their claims, which is on exhibition at the Globe Drug Store. Mr. Phillips is well pleased with the showing on the property and hopes to be able to ship ore in the near future, having several tons of good ore on the dump at the present time.

Richard Welch came in town Monday from his mining claims at the head of Mineral creek and brought some specimens of good looking ore that carries black oxide of copper, sulphides, gold and silver from a recent discovery on one of his claims. He has several parties working on leases on his claims who are taking out ore for shipment, and he has several tons that he has taken out himself, which he will soon ship.

L. M. Teale, superintendent of the Pinto Creek Mining & Milling company, was in town on Sunday from the Yo Tambien mine. He reports that they are drifting both ways on the vein and that the ore is improving very much from what it was when they first reached this vein. Several members of the company are expected here in a few days, and it is probable that a number of men will be put to work on their property before they leave.

The American Mines Development company of Minnesota, who own some mining claims near the head of Pinto and Mineral creeks, have concluded not to work their property by contract, and will put a number of men at work next week under a company superintendent. The work will be drifting on one of the main veins for a distance of from 300 to 500 feet from the lowest point on the ground and then crosscutting both ways from the tunnel or drift to cut other veins running parallel.

Frank Gill recently returned from a visit to the Eureka mine, owned by W. Mill Williams and Z. L. Squier, which is situated on the Florence road, nine miles from Kelvin, eighteen miles from Florence and about 50 miles from Globe. This mine for a number of years was thought to be a patented

claim, but investigation showed that application for patent was made and that no proofs were ever submitted, that no work had been done on it for several years, therefore was vacant ground. Mr. Gill thinks it is one of the best prospects in that section and that with the expenditure of a few thousand dollars it will make a valuable mine. The ledge is fully five feet wide in the places where it has been opened, and a shaft 61 feet deep shows that width to the bottom. The ore is carbonate and oxide and shows the full width and depth of this shaft, and the five feet in width averages 12 per cent copper, 88 in gold and some silver. Three hundred feet from this shaft is another one 30 feet deep, which shows as good as the one described at the same depth. A drift is being run on the vein, which is now in 40 feet and will tap the 64 foot shaft 54 feet down, blocking out some good stoping ground. The ore in the vein wherever it has been opened shows values of about \$90 per ton. There is a large quantity of low grade ore on the dump, but the high grade ore has all been shipped. Water is plentiful in the vicinity.

The Troy Copper company made the final payments, last Saturday, on the Troy group of claims which they have been developing under bond for the past year. The purchase price was \$105,000, of which amount 10 per cent was paid six or more months ago, the final payment being \$94,500, a part of which is represented by stock in the company accepted by two or three of the sellers in lieu of cash. The final payment to J. H. Willington is \$27,000, which he had not received up to yesterday, as he was absent from the territory and the company had been unable to locate him. Mr. Willington arrived from Indian Territory on Monday night and went over to Troy yesterday morning to receive his money. Of the other beneficiaries, Harry Bowen received on Saturday \$19,275 and some stock; Claude Bataille, \$13,700 and some stock; Wm. Stevenson, \$6,300; Ben C. Fox, \$3,800; A. L. Waters and J. B. Henry, \$3,400 each; the Grace estate and Thos. Kavanaugh, \$1,500 each; T. B. Laman, \$2,400. We endeavored to obtain the exact figures, but have been unable to verify them in every instance. They are, however, approximately correct.

It would be a great convenience to the ore shippers of this district, of whom there will soon be a large number, if the railroad company would build some ore bins and chutes at the end of the railroad near the Buffalo smelter. It usually takes several days to load a car with ore, and when a team or teams come in with ore it sometimes takes several days before a car can be placed at the end of the track, while others do not come to town until they have a shipment ready. When they wish to get teams and packers, and cannot find out the exact day when a car can be placed for them, therefore they are compelled to stay in town, or go out and come in again to find out about a car. Bins at the end of the track would obviate this difficulty, as the ore could be stored in them until a car was placed, and the car could then be loaded in a few hours.

W. S. Sultan came in on Monday from the Newman copper mines near Troy, where he has a force of miners employed sinking a double-compartment shaft. He is daily looking for instructions to commence work on the Copper Hill mine, in this district, a meeting of the Arizona Commercial company, owners of the property, having been called for March 12, in Boston, to determine definitely what shall be done.

The shaft on the Tip Top No. 1, one of the McCoy group of mining claims, was cleaned out a few days since and a fair sized streak of copper ore was found in the bottom thereof. The Tip Top No. 2 still continues to improve and ore is being taken out every day. Assays were made last week of five samples of ore taken from the dump, which gave an average of a little over 16 per cent copper.

The hoist on the new three-compartment shaft on the United Globe property has been completed and the cages were running yesterday to the depth of 100 feet. Raises are being made from the different levels to connect with the shaft sunk from the surface, and when these connections are made the shaft will be several hundred feet deep.

#### Territorial and General.

Frank M. Murphy, brother of Governor Murphy, is in the east making arrangements with eastern capitalists whereby the famous old Tombstone mines are to be opened and worked on an extensive scale. There is no man in Arizona who can do more in the direction of securing development capital for Arizona than Frank Murphy. The many millions he has directed to Arizona is ample evidence of this fact. The Gazette says that Tombstone will be under everlasting obligations to Mr. Murphy when the mines on Centention Hill begin operations.—Citizen

## COMEDY OF ERROR

A Few More Holes in the Town Government.

### COURT RETIRES FROM BUSINESS.

Town Attorney Also Loses His Job. Argument by Attorney Hardesty Which Resulted Disastrously to Both Officers.

The case of the Town of Globe, plaintiff, versus Wm. Rolling, defendant, a criminal action charging the defendant with the violation of a certain alleged town ordinance requiring liquor dealers within the Town of Globe to pay a license, came to trial last Tuesday morning at 10:30 o'clock before Wm. Whalley, town recorder—who issued the complaint sworn to by Eugene Middleton, town marshal—and was prosecuted by Aaron Edwards, town attorney. Jesse Hardesty appeared as counsel for the defendant, who entered a plea of not guilty. A motion for a further continuance was entered and argued, and which was denied by the court. A jury trial was then demanded and denied, although the offense attempted to be set out in the complaint is punishable under Sec. 684 of the penal code of Arizona territory and is fully covered by that section—hence defendant was entitled to trial by jury.

The attorney for the defense, whose fertility of resource appeared to be inexhaustible, then raised the question of the jurisdiction of the court, and proceeded with the argument, supporting his allegations with copious references from the organic law of Arizona, the territorial laws in relation to incorporated towns and cities, and decisions of state courts.

The case of Nashville, etc., vs. Taylor, et al, 86 Fed. Rep., p 171, was quoted, defining jurisdiction as the power to determine the subject matter in controversy between the parties to the suit, to adjudicate or exercise any judicial power over them; and from Charles vs. City of Marion, 98 Fed. Rep., p 166, that in addition to other requirements essential to the due process of law, there should be a tribunal clothed with power by methods and rules prescribed by law to hear and determine the question involved. The court attempting to try the question at issue was not such a tribunal and had no jurisdiction.

The officers of a town government, as provided for by Sec. 1, Article IV, Act 72 of 1893, relating to the incorporation of towns, etc., provides: "In addition to the common council, the officers of every town shall be a town clerk, town marshal and supervisor of streets." No provision is made for the office of town recorder.

Sec. 11, Article VIII of the same act provides that a town may assume a city organization when it shall have acquired a population of three thousand. The office of recorder is exclusively a city office, and Sec. 2, Act 65 of the laws of 1895, declares that the office of city recorder is hereafter elective.

In incorporated towns any justice of the peace residing within such town has jurisdiction to try cases arising under the town ordinances.

These are a few of the points made by Mr. Hardesty in his able argument which stripped the court of every vestige of authority as a magistrate.

During the colloquy which diversified the argument the town attorney was asked if he held the appointment of Mr. Keegan to be legal, to which he replied, No, that the council knew they had no power to appoint a member to fill a vacancy in their body, and the appointment of Mr. Keegan was made simply "to fill up." If such is the case Mr. Keegan has a just and very large cause of grievance against the common council.

The court listened attentively and with commendable composure to Mr. Hardesty's argument, as it proceeded, gradually undermining his judicial authority, and at its close he announced a recess for two hours to enable him to give the question due consideration. At 2 o'clock court reconvened and Judge Whalley briefly announced his decision, stating that he had discovered that he had no jurisdiction in the case involved, nor in any other case, thus ruling himself out of office—a courageous act. Mr. Whalley also took occasion to thank Attorney Hardesty for informing him that he was not legally a town magistrate and that there was no such office as town recorder. The case against Mr. Rolling was not dismissed, as that would have been superfluous. There was no court, and consequently the whole proceeding was unlawful.

The argument also disclosed the fact that there is no such office as town attorney, the district attorney alone being empowered to prosecute violations of town ordinances, in towns where the county seat is located.

#### Council Meeting.

The common council met in regular session on Tuesday night.

A bill of Middleton & Allison for record books and stationery, amounting to \$8 was ordered paid.

A bill of Ed. Hulteen for extending the school house drain across the newly graded street, at that point, for \$37 was laid over for investigation.

Charles Nesbitt appeared before the council and asked that they refund the sum of \$150, paid by him for licenses, under protest. He was informed that they could not refund any money in such cases. The mayor reported that he and Engineer Pendleton had viewed a road leading from one of the streets on the hill to the mesa on the north, where the town owns several hundred lots, and found that at a very little expense, a good road can be made to those lots. He also stated that he thought the council should place at least five more fire-plugs in the town.

Mr. Cotti appeared before the council and asked that permission be granted him to erect electric light poles and string wires for a new system which he would put in operation by the first of May. He stated that he would use the engine at the sampling water, and put in the alternating current system, and furnish a better light and make it much cheaper than the present system. The permit was granted.

The question of collecting licenses was discussed at some length and in view of the fact that the town had no "Recorder," and was not entitled to one, it was decided that civil actions should be brought before a justice of the peace to recover them. Some discussion was also had about the matter of disincorporation and it was the opinion of the council that they would like to see the matter carried to the supreme court and there settled. They then adjourned until next Tuesday night.

### INCORPORATION OF GLOBE.

Proceedings of the Board of Supervisors of Pinal County of October 4, 1880.

The article published in last week's SILVER BELT giving some of the history of the incorporation of the village of Globe in 1880 was sufficient to convince any reasonable person that the town was legally incorporated and that the corporation still exists, the necessary steps to disincorporate, as required by law, never having been taken. Proof positive is now at hand in a certified copy of the minutes of the board of supervisors of Pinal county, of October 4, 1880, incorporating Globe as a village, a copy of which is here reproduced:

Office of Board of Supervisors of Pinal County, Monday, October 4, 1880.

Afternoon session.—Board met pursuant to adjournment; present, Messrs. Mason and Wheat, supervisors, and G. L. Wharten, clerk. On motion, Mr. Wheat was appointed chairman pro tem.

A petition in proper form subscribed by the requisite number of residents and legal voters of Globe in this county, asking to have said place with the boundaries as in said petition stated and hereinafter set forth, incorporated as a village by the name of Globe, and the board being satisfied that due and proper notice has been given of said application, and that all the requirements of the law have been complied with, that said territory contains the requisite population, and there being no opposition to said petition: it is hereby ordered and declared that the territory described in said petition be incorporated and described as follows:

Beginning at a point in the east branch of Pinal creek, where the center of the street known as Broad street, in the town commonly known as Globe, in which is located the U. S. postoffice of Globe, Arizona, crosses the southerly line of the millsite formerly known as the Merrill & Ketchum millsite, more recently as the Millner & Watson millsite, and now in the possession of the Silver Era mining company, as the center point of the Village site; thence one-half mile south 24 degrees east; thence one-half mile east 24 degrees north; thence one mile north 24 degrees west; thence one mile south 24 degrees east, to the southwest corner of the tract described; thence east 24 degrees north to the center of the southern boundary line of the tract of land herein described, containing 640 acres; shall be and the same is hereby incorporated as a Village by the name of Globe; and W. F. Vail, B. F. Knox and J. Van Slyke, are hereby appointed inspectors of election, to hold the first election in said Village of Globe, said election to be held at the office of J. Van Slyke in said Village on the 2nd day of November, A. D., 1880.

G. L. Wharten, Clerk.  
Entered by W. H. M.

Territory of Arizona, ss  
County of Pinal, ss

I, Thomas G. Payton, Clerk of the Board of Supervisors of Pinal County, Arizona, do hereby certify the above, and foregoing, to be a full, true and correct copy of the minutes of the board of supervisors appertaining to the incorporation of the Village of Globe, held on the 4th day of October, A. D., 1880, as the same appears in 'Book one, at Page 175, minutes of the board of supervisors of Pinal county, Arizona territory. Witness my hand and the seal of said board this 18th day of March, A. D., 1901.

THOS. G. PAYTON,  
Clerk of the Board of Supervisors  
Pinal County.  
(Seal of the Board of Supervisors,  
Pinal County, Arizona.)

## THE LEGISLATURE

Beginning of the End of the Prodigal Twenty-First.

### THE SESSION ENDS TODAY.

For which Taxpayers are Truly Thankful. Reform School Bill Passes. Pat Houston's Timely Objection.

PHOENIX, Tuesday, March 19.—Two days more of the Twenty-first legislature remain and comparatively little legislation is hanging fire. The appropriation bill is yet to be passed, but there is not likely to be any obstruction in its way so that nothing will happen to embarrass the legislature in its closing hours.

#### REFORM SCHOOL BILL PASSED.

There have been no surprises within the last week. If one thing may be said to be more surprising than another it was the passage of Roemer's reform school bill, with the probability that the governor will sign it. The live stock bill has been agreed upon in conference and is said now to be generally satisfactory to all interests of which there are two more prominent ones, the great body of cattlemen and the butchers. The third bullion tax bill has not yet made its appearance, but is liable to come in at any moment. One framed on reasonable lines, I think, would encounter difficulty nowhere except in the council.

#### IVES VERSUS THE GOVERNOR.

The most exciting event of the past week was the end of a more or less bitter struggle between President Ives and the administration. Council Bill 107, to restrict the power of the governor, having been vetoed and passed over the veto, was brought to the house and made a special order for last Thursday. On that day the council took up the veto of Council Bill 112, "An act for the recovery of money illegally paid by territorial officials." The executive objection to it was based on three circumstances. One was that the only territorial official described in the bill was the territorial auditor; another was that there was an apparent authority for the attorney general to dismiss a suit begun by a private citizen for the recovery of public money illegally paid; the third was that though it was claimed that though the bill was an adaptation of the Riley law to the territory the words "and effect" making it obligatory upon the plaintiff to succeed in his suit had, somehow been left out. The consideration of the bill and the message was made a field day in the council, and after a spirited contest the bill was passed. The next day the measure was brought to the house and a little fight occurred in the afternoon. It ended in both bills being laid on the table. Yesterday Mr. Ives caused another bill to meet the governor's objection to 112 to be introduced into the council. It conforms in every respect to the Riley bill, made applicable to the territory. It passed by unanimous consent and this afternoon similarly passed the house.

There have been no recent developments in the investigation of the affairs of the territorial auditor and board of control. The expert accountant finished his work more than a week ago and though one session of the investigating committee has since been held, no report has yet been submitted. It is understood, however, that it will not be censorious, but will consist of a mere statement of the expert's findings with a reference to the statutes and the appropriation laws, under the authority of which certain disputed warrants have been issued. It may be accompanied by a bill making the issuance of warrants for various purposes clearer than the present laws prescribe.

#### HOUSTON'S TIMELY OBJECTION.

A matter of more or less interest to Gila county is just now under discussion, a substitute for Mr. Fowler's House Bill 172, originally intended to authorize this county to bond itself for water storage purpose. The object was changed so that only preliminary work toward securing water storage should be undertaken. It contemplates the appointment of a board of water commissioners who shall have at their disposal about \$30,000. It provides that the reservoirs, dams, canals, etc., while publicly owned by county or district, shall be forever exempt from taxation. Mr. Houston objected for the reason that no reservoir site is mentioned it is certain that it will be located in Gila county. Mr. Houston pointed out that his county would be deprived of not only tax on a valuable property, but the dam itself would cover up a rich agricultural district. The exemption clause was stricken out.

Mr. Kimball this morning introduced in the house a poll tax law,

which is in effect a reinstatement of the old law and it encountered the same objection that was made to that, making employers the collectors of the tax. It will probably pass the house. The two branches have locked horns on a subject in which small mining men are interested. In the code, title "liens," the council inserted a clause holding the owners of leased mines and mining claims responsible for debts incurred by lessors in the operation of leased or bonded property. The house amended it by giving the owners of claims the right they now enjoy to disclaim responsibility by the posting of notices or making publication. The council declined to accept the amendment and a conference committee has so far been unable to reach an agreement.

For the first time this session the representatives from this county have been able to agree on irrigation legislation. A bill was introduced in the house and passed under a suspension of the rules. It changes nothing in effect; it is only an official recognition of the principle that water must not be "sold," but "delivered"; a distinction wholly without a difference.

#### GOVERNOR'S NOMINATIONS.

The governor sent his nominations of territorial officials to the council this morning. The official list is without change. The nominations were made a special order for tomorrow.

Mr. Houston has just secured the passage of an emergency live stock bill to cover the period between the expiration of the present one and the code law, September 1. The bill is in effect an anticipation of the operation of the code.

#### Tonto Topics.

From Our Regular Correspondent.

On the evening of March 7 we had, for a short time, a high wind and heavy storm of rain mixed with hail. Mr. Moore, who lives on Reno Pass, said that during all the years he has been there he never saw such a large body of water come down Reno as during the recent storm. The rainfall here was 41 hundredths of an inch. The storm is additional cause for encouragement to the people of this section.

Undoubtedly there is a great demand for cattle just now in Tonto basin; I have never seen so many cattle buyers here before; they come from every direction. Mr. Babbitt of Flagstaff, who was among the first, had the assurance to offer 13, 16 and 19 dollars, \$2 per head less than Neils Peterson, through Eugene Packard, offered, and the consequence was he did not get any.

Mr. Peterson of Tempe, who has bought cattle here for several years, paid more for cattle last year than anyone else and of course he is the favored buyer. Chas. Seigle sold all his cattle to Messrs. Bartlett & Hurd at Phoenix, for \$16.50. Said firm has lately bought 7,000 acres of land opposite Phoenix, on the other side of the river, and intend to stock it with cattle; they have 2,500 acres in grain now.

All the cattlemen here are preparing for the round-up which will commence the first of April.

George Fulton, who has the contract to gather the Seigle cattle, left Tonto this morning for Mesa.

A. J. Howell and several others had a close call when crossing the Verde river, as the water went over their buggies, and if it had not been for assistance rendered by men on horseback, who tied ropes to the buggy tongues and pulled them out, buggies and occupants would probably have been lost. Mr. Hardin, who crossed on horseback, got into the quicksand and had to leave his horse and swim for the bank. As luck would have it his horse got out of the river on the opposite side and Mr. Hardin had to swim the river again to get him.

The children of Tonto school gave an entertainment last Friday evening, which was a creditable performance, and agreeably surprised all present. The audience numbered more than fifty persons, and after the program was rendered dancing was indulged in and continued until 4 o'clock a. m.

Wm. Moore, who came over from Mesa some time ago, took sick and his recovery was despaired of, but thanks to the treatment and attention of Dr. Maish, he pulled through and is now on his feet again. Henry Hardt, who has also been a pretty sick "boy" (6 ft. 3 in.) is up again and improving.

I understand there will soon be a smelter erected in the neighborhood of Payson; it will be brought down from Jerome as soon as the road becomes passable for heavy freighting.

J. N. Huffer returned Saturday from Salt river where he had been teaching school. Tonto school has another month to run.

H. Fuller of Star valley, who came through Tonto from Mesa with horses, said he would sell all his cattle if he could get the same figure as Charlie Seigle.

There is a good deal of talk among Gila county settlers in this neighborhood of migrating to Mexico.